

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

UNITED STATES OF AMERICA, : Case No. 3:12-cr-049  
: Judge Timothy S. Black  
vs. :  
TYLER HAMILTON, :  
Defendant. :

**NOTICE OF CHANGE OF PLEA HEARING**

This case came before the Court for a status conference on October 11, 2012 at 10:30 p.m. Attorneys Brent Tabacchi and Vincent Popp participated. Defendant notified the Court that the parties have reached a plea agreement. Accordingly, the trial date previously set for October 22, 2012 is hereby **VACATED** and a plea hearing is set for October 18, 2012 at 12:00 p.m. in Dayton Courtroom #3.

“A notice of change of plea is a motion requiring a hearing, and as a result, the time from the filing of the notice of hearing through the conclusion of the plea hearing is excludable” from speedy trial calculation. *United States v. Moss*, 211 F.3d 1271 (6th Cir. 2000) (citing *United States v. Jenkins*, 92 F.3d 430, 440 (6th Cir. 1996) (stating that “defendant’s notice of intent to change plea tolls clock”)); *see also United States v. Mentz*, 840 F.2d 315, 330-32 (6th Cir. 1988); *Coviello v. United States*, 287 Fed. Appx. 503, 507 (6th Cir. 2008); *United States v. Beals*, 755 F.Supp.2d 757, 763 (S.D. Miss. Nov. 8, 2010) (stating that “[a] change of plea is treated like a motion for Speedy Trial Act purposes, and since a hearing is required for the court to take a change of plea, the speedy trial clock is tolled from the date the court is notified of the change of plea at least until the date of the hearing”). Accordingly, the time between October 11, 2012 and October 18, 2012 is excluded from the time period set forth in 18 U.S.C. § 3161 within which the United States must bring Defendant to trial.

**IT IS SO ORDERED.**

Date: 10/15/2012

s/ Timothy S. Black  
Timothy S. Black  
United States District Judge